

## REMARKS

### I. Introduction

Claims **48, 52-65, 68-74, and 76-77** are currently pending in the present application. Claims **48, 52, 73-74, and 76-77** are independent. Claims **68** and **70-72** are indicated as **ALLOWABLE**, but are objected to for depending upon a rejected base claim, and all pending claims stand rejected. In particular:

(A) all pending claims (claims **48, 52-65, 68-74, and 76-77**) stand *provisionally* rejected under non-statutory double patenting grounds over U.S. Patent Application Serial Nos. 11/424166, 11/424155, 11/531741, 11/531735, 11/424162, 11/531744, 11/531749, and 11/531754 (hereinafter the “Walker Children”); and

(B) claims **48, 52-65, 69, 73-74, and 76-77** stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 4,922,522 (hereinafter “Scanlon”), or, in the *alternative*, under 35 U.S.C. §103(a) as being allegedly unpatentable over Scanlon.

Upon entry of this amendment, which is respectfully requested, independent claims **48, 52, 73-74, and 76-77** will be amended solely to advance prosecution. Applicants hereby expressly reserve the right to pursue claims directed to the original/previous language of any claim amended and/or cancelled herein in one or more continuing applications. No new matter is believed to be introduced by these amendments.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.114.

### II. The Examiner’s Rejections

#### A. *Provisional Non-Statutory Double Patenting Rejections*

All pending claims (claims **48, 52-65, 68-74, and 76-77**) stand *provisionally* rejected under non-statutory double patenting grounds as being allegedly unpatentable over claims of the Walker Children. While Applicants do not necessarily agree with this ground for rejection with respect to any pending claim, Applicants provide a Terminal Disclaimer over the Walker

Children 11/424162, 11/424166, and 11/531749 with this paper, *solely* to advance prosecution for the remaining claims, rendering this ground for rejection *moot* with respect thereto.

The remainder of the Walker Children have been expressly abandoned by Applicants, rendering this ground for rejection *moot* with respect thereto.

At least for these reasons, Applicants respectfully request that this *provisional non-statutory* double patenting ground for rejection of all pending claims (claims **48, 52-65, 68-74, and 76-77**) be **withdrawn**.

**B. §102(b)/§103(a) Rejections - Interview Summary**

Applicants respectfully thank Examiner Frank Leiva and SPE Peter Vo for speaking with Applicants' representatives during the interview conducted via telephone on August 25, 2009 (hereinafter the "Interview"). In the Interview, tentative agreement was reached regarding language that the Examiners felt captured the intended scope of the pending claims. Particularly, the Examiners were concerned that it be clear that the requests limiting the occurrences of lottery numbers not be automatically made by a device (*e.g.*, without player interaction/intent – such as when a lottery prevents duplicate entries and the mere purchase of a ticket in such a lottery prevents a duplicate from being sold, automatically), but that the requests be those of players (regardless of how actually received). Accordingly, the language of the pending claims, which already specifies that the requests are made by players, is amended herein to additionally specifically recite and/or clarify that the requests are to limit/prevent/prohibit numbers from being sold (*e.g.*, as opposed to being mere purchase requests).

Communications subsequent to the Interview have confirmed the Examiner's acceptance of the amendments provided herein. Accordingly, Applicants respectfully request **allowance** of the pending claims.

### III. Conclusion

At least for the foregoing reasons, it is submitted that all claims are in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested. Applicants' silence with respect to any comments made in the Final Office Action does not imply agreement with those comments.

If there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-438-6867 or via e-mail at [cfincham@finchamdowns.com](mailto:cfincham@finchamdowns.com), at the Examiner's convenience.

### IV. Fees and Petition for Extension of Time to Respond

Enclosed herewith is the appropriate **\$810.00** fee for filing of a Request for Continued Examination (RCE), for which this Amendment is an RCE Submission.

Applicants hereby petition for a **two-month extension** of time and authorize the charge of **\$490.00** to Applicants' Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Applicants' Deposit Account No. 50-0271.

Furthermore, should any other extension of time be required or any other fee be due, please grant any extension of time which may be required to make this Amendment timely, and please charge any required fee to Applicants' Deposit Account No. 50-0271.

Respectfully submitted,

November 5, 2009

Date

/Carson C.K. Fincham, Reg. #54096/

Carson C.K. Fincham  
Attorney for Applicants  
Registration No. 54,096  
[cfincham@finchamdowns.com](mailto:cfincham@finchamdowns.com)  
203-438-6867 /voice  
203-461-7300 /fax